

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

DONNA K. SOUTTER, *for herself and on
behalf of others similarly situated individuals,*

Plaintiffs,

v.

EQUIFAX INFORMATION SERVICES, LLC,

Defendants.

Civil Action No. 3:10cv107-REP

PLAINTIFF’S CONSENT MOTION FOR CONTINUANCE OF HEARING

The Plaintiff, by counsel, with the consent of the Defendant, hereby moves the Court for continuance of the hearing for class certification scheduled for February 22, 2011, by reason of the following:

The present hearing was originally scheduled for January 7, 2011. It became necessary to reschedule the hearing after the Court was required to preside in an extended jury trial. When the Court offered alternate dates for a new hearing, the present date – February 22, 2011 – was available to and agreed to by the parties.

Late last week, Plaintiff’s counsel Leonard Bennett was asked to serve as lead counsel in a jury matter set for trial in the Northern District of Alabama that is scheduled to begin on February 22, 2011 and expected to last for several days in the matter of *Jamon T. Brimm v. Midland Credit Management*, Case No. 5:10cv0369.

Bennett is one of only a small number of attorneys national with jury trial experience in

cases brought under the Federal Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1691s-2(b).

Bennett will argue the present motion in this case regardless of when it is heard. This case and this Court's previously scheduled docket remain the primary concerns of Plaintiff's counsel. Bennett will not commit to try the *Brimm* matter if the present hearing date in this case cannot be rescheduled to a date that is agreeable and remains convenient to the Court and Defendant Equifax.

Nevertheless, Mr. Brimm's present counsel believes that Bennett would add significant value to her client's representation at trial.

Plaintiff's counsel would be otherwise available for an alternate hearing date the week before the present hearing date, February 15 through 18, or the week after, February 28 through March 4, 2011.

Defendant's counsel has consented and does not object to this request.

DONNA K. SOUTTER, *for herself and on behalf of others similarly situated individuals,*

/s/

Leonard A. Bennett, Esq.
VSB #37523
Attorney for Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
12515 Warwick Boulevard, Suite 100
Newport News, Virginia 23606
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
lenbennett@cox.net

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2011, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

<p>John W. Montgomery, Jr., Esq. Montgomery & Simpson, LLP 2116 Dabney Road Suite A-1 Richmond, VA 23230 jmontgomery@jwm-law.com</p>	<p>Barry Goheen, Esq. King & Spalding 1180 Peachtree Street, NE Atlanta, GA 30309-3521</p>
<p>John Anthony Love King & Spalding 1180 Peachtree Street, NE Atlanta, GA 30309-3521 tlove@kslaw.com</p>	<p>Keasha Ann Broussard, Esq. King & Spalding 1180 Peachtree Street, NE Atlanta, GA 30309-3521 abroussard@kslaw.com</p>

/s/

Leonard A. Bennett, Esq.
VSB #37523
Attorney for Plaintiff
CONSUMER LITIGATION ASSOCIATES, P.C.
12515 Warwick Boulevard, Suite 100
Newport News, Virginia 23606
(757) 930-3660 - Telephone
(757) 930-3662 – Facsimile
lenbennett@cox.net